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Attorneys for Debtor, Tulare Local Healthcare District,  
dba Tulare Regional Medical Center

IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE  
DISTRICT, dba TULARE  
REGIONAL MEDICAL CENTER,

Debtor.

Tax ID #: 94-6002897  
Address: 869 N. Cherry St.  
Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC No.: WW-31

Date: April 12, 2018  
Time: 9:30 a.m.  
Place: 2500 Tulare Street  
Fresno, CA 93721  
Courtroom 13  
Judge: Honorable René Lastreto II

EXHIBITS IN SUPPORT OF MOTION FOR ORDER APPROVING AGREEMENT  
RELATING TO RELIEF FROM THE AUTOMATIC STAY (DOMINGUEZ)

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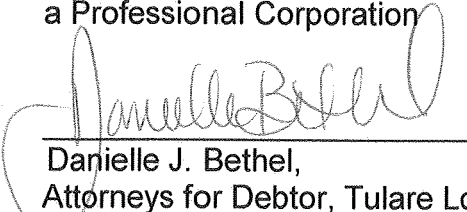
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Exhibit	Description	Pages
A	STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362	4
B	[proposed] ORDER APPROVING AGREEMENT RELATING TO RELIEF FROM THE AUTOMATIC STAY	2

Dated: March 20, 2018

WALTER WILHELM LAW GROUP,  
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Medical Center

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Courtroom 13  
Dept. B, Fifth Floor  
Judge: Honorable René Lastreto II

STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY  
PURSUANT TO 11 U.S.C. § 362

TULARE LOCAL HEALTHCARE DISTRICT, dba Tulare Regional Medical Center  
("TRMC") and JOE O. DOMINGUEZ, MARY ROSE DOMINGUEZ, CERENE R.  
OLIVERA, STEVEN J. ZUIDERWEG, a minor, by and through his Guardian ad Litem,  
AMANDA ZUIDERWEG (Collectively "Plaintiffs"), by and through their respective  
counsel, hereby enter into the within Stipulation for Relief from the Automatic Stay

EXHIBIT

Page 1 Of 4

STIPULATION FOR RELIEF FROM AUTOMATIC  
STAY (DOMINGUEZ)

-1-

M:\S-U\TRMC\PLEADINGS\WW-31 Motion to  
Approve Stipulation for Relief from Stay  
(Dominguez)\Stipulation.ROS.Dominguez.030118.djb  
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pursuant to 11 U.S.C. § 362 (the "Stipulation"). The Stipulation is made with reference to the following:

**RECITALS**

1. On September 30, 2017, TRMC commenced a voluntary case under chapter 9 of title 11 of the United States Bankruptcy Code in the United States Bankruptcy Court, Eastern District of California ("Petition Date").

2. Plaintiffs wish to commence an action in the Tulare County Superior Court against TRMC ("Lawsuit"), seeking damages for the tort of negligence resulting in wrongful death allegedly caused by TRMC prior to the filing of the bankruptcy case ("Malpractice Claim").

3. TRMC denies the allegations made by Plaintiffs in the Lawsuit.

4. TRMC and Plaintiffs (collectively "the Parties") have agreed to allow the Automatic Stay to be modified pursuant to the terms and conditions stated herein.

**STIPULATION AND AGREEMENT**

NOW, THEREFORE, subject to Court approval, the parties hereby stipulate and agree as follows:

5. The Automatic Stay shall be modified such that Plaintiffs shall be permitted to commence and prosecute the Lawsuit to settlement or judgment against TRMC and/or the other defendants in the Lawsuit for the purposes of determining the liability and damages, if any, of TRMC and/or the other defendants with respect to the Malpractice Claim;

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EXHIBIT

Page

20 of

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1 6. Plaintiffs' recovery against TRMC in the Lawsuit, if any, shall be limited to any  
2 proceeds available under any insurance policy, policies, or any liability coverage  
3 contracts<sup>1</sup>, as the case may be, if any, applicable to Plaintiffs' Malpractice Claim, and  
4 not from TRMC's assets.  
5

6 7. Further, Plaintiffs waive their right to collect the first \$100,000 of any settlement  
7 or judgment resulting from the Lawsuit against TRMC (representing TRMC's deductible  
8 under the Policy).

9 8. Accordingly, should Plaintiffs prevail in the Lawsuit as against TRMC any  
10 recovery by Plaintiffs against TRMC shall be limited to applicable insurance, or the  
11 Policy, if any, and shall further be limited by Plaintiffs' waiver of rights to collect the first  
12 \$100,000 of any settlement or judgment against TRMC as set forth above. The Lawsuit  
13 will not be prosecuted for the purpose of reaching the assets of TRMC other than  
14 applicable insurance and/or the Policy.  
15

16 9. Therefore, it is agreed that the Automatic Stay pursuant to 11 U.S.C. § 362 be  
17 vacated as to allow commencement and prosecution of the Lawsuit on the terms and  
18 conditions provided above.  
19

20 10. Any amendment to this Stipulation shall be made in writing, signed by the  
21 Parties, and approved by the Court.

22 ///

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27 <sup>1</sup> TRMC is a member of a risk-sharing pool (the "Policy"). Pursuant to California Government Code sections 6500 et  
28 et seq., TRMC is a member of a risk-sharing pool (the "Policy"). Pursuant to California Government Code sections 6500  
et seq., and sections 990 et seq., BETA Healthcare Group Risk Management Authority ("BETA") administers the pool  
under a joint powers agreement. BETA and TRMC have entered into a Stipulation for Assumption of the BETA Policy.  
Assumption of the BETA Policy pursuant to the Stipulation was authorized by the Court by Order dated January 26,  
2018.

EXHIBIT 3

Page 2 Of 4



1 11. The Parties stipulate to entry of an order approving this Stipulation subject to  
2 compliance with FRBP 4001, if required.

3  
4  
5 IT IS HEREBY STIPULATED AND AGREED.

6  
7 March 16, 2018

BARADAT & PABOOJIAN, INC.

8  
9 Kevin Kalajian for  
10 Daniel R. Baradat, Attorneys for  
11 Plaintiffs, Joe O. Dominguez, Mary  
12 Rose Dominguez, Cerene R. Olivera,  
13 Steven J. Juiderweg, a minor, by and  
14 through his Guardian Ad Litem, Amanda  
Zuiderweg

15 March 26, 2018

16 WALTER WILHELM LAW GROUP,  
17 a Professional Corporation

18 Danielle Bethel  
19 Danielle J. Bethel, Attorneys for Debtor,  
20 Tulare Local Healthcare District, dba  
21 Tulare Regional Medical Center

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28 EXHIBIT

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Judge: Honorable René Lastreto II

ORDER APPROVING AGREEMENT RELATING TO RELIEF FROM THE  
AUTOMATIC STAY

At Fresno, in the Eastern District of California.

The Court having received and reviewed the Motion for Approval of Agreement Relating to Relief From the Automatic Stay, the Motion having been duly and properly served and noticed, and there being no objection to the relief sought, and good cause appearing,

EXHIBIT

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Of

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1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Motion be  
2 approved and said Stipulation attached to this Order as Exhibit "A" shall be, and hereby  
3 is, adopted as the Order of this Court.  
4

5  
6 Presented by:  
7 WALTER WILHELM LAW GROUP  
8 a Professional Corporation  
9

10 \_\_\_\_\_  
11 Danielle J. Bethel,  
12 Attorneys for Debtor, Tulare Local  
13 Healthcare District, dba Tulare Regional  
14 Medical Center  
15  
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22 Dated: \_\_\_\_\_

23 \_\_\_\_\_  
24 United States Bankruptcy Judge  
25  
26  
27  
28

EXHIBIT

Page 20 of 22